IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2005

CORAM

THE HONOURABLE MR.MARKANDEY KATJU, THE CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE D.MURUGESAN

W.A.Nos.1289 to 1293, 1025 to 1030, 1444 to 1448, 1470 to 1476, 1481 to 1487, 1059 to 1063, 1504, 1645 to 1653, 1657 to 1661, 1733 to 1738, 1746 to 1752, 1770 to 1777, 1786 to 1790, 1796 to 1799, 1955 to 1959, 726, 1859 to 1863 of 1999, 1793 of 2000, 2061 to 2074, 2460 to 2487, 2846 to 2859, 2947 to 2961 of 2001, 91 to 104, 149, 152 to 166, 300 of 2002, 2289 to 2302, 2603 to 2617 of 2001 and W.P.No.13219 of 1999
along with connected
C.M.Ps., W.A.M.Ps. & W.P.M.P.

Tamil Nadu Electricity Board
rep. by its Chairman
Anna Salai
Chennai 600 002. ... 1st Appellant in W.A.Nos.1289 to 1293/99, 1025 to 1030/99, 1444 to 1448/99, 1470 to 1476/99, 1481 to 1487/99, 1059 to 1063/99, 1645,1646,1647,1650,1651, 1652/99 1653, 1657 to 1661/99, 1733 to 1738, 1746 to 1752/99, 1770 to 1777/99, 1786 to 1790/99, 1796 to 1799/99, 1955 to 1959/99, 1859 to 1863 of 1999,149/02 and 300 of 2002.

2nd Appellant in WA.Nos.1648 & 1649/1999.

2nd Respondent in 726/99 W.A.Nos. 1504 of 1999,1793/00 2061 to 2074/2001, 2460 to 2487/2001 2846 to 2859/2001, 2947 to 2961 of 2001, 91 to 104/2002 152 to 166/2002, 2289 to 2302 /2001 and 2603 to 2617 of 2001, R2 in W.P.13219/99

Shanmugavalli
Proprietorix M/s. Karthik Chemicals
Tuticorin,2 ... Appellant W.A. 726/99

M/s. Saraswathi
Udyog India Limited
Rep by Managing Director,
B. Mohan, Erode ... Appellant in W.A.1793/00

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State of Tamil Nadu rep. by its
Secretary to Government
Energy Department,
Fort St. George,
Chennai 600 009

... Appellant in W.A. Nos.
2061,2062,2065,2066,2068,2069,2070,2071
2072,2073,2460 to 2463/01,
2465,2468,2473,2474,2477,2478,2483,2484
2486,2487,2846,2847,2849,2852,2853,2855
2856,2857,2858,2859,2952,2953,2957,2958
2961/01,
91/02,93,95,96,97,99,100,102,104/02,158
160,161/02 2289,2290,2293,2294,2296 to
2300/01 2302,2603 to 2606,
2610,2611,2612/01

1t Appellant in W.A.Nos.
2063,2064,2067,2074,2464,2466,2467,2469
2470,2471,2472,2475,2476,2479,2480,
2481,2482,2485,2848,2850,2851,2854,2947
2948,2949,2950,2951,2954,2955,2956,2959
2960/01, 92/02, 94, 98, 101, 103, 152
to 157,159,162 to 166/02 2291,
2295,2301,2607,2608,2609,2613,2614,2615
2616 & 2617/01.

The State of Tamilnadu,
rep.by its Secretary to Govt.,
Industries Department,
fort St. George,
Chennai-9

... 2nd Appellant in W.A.Nos.
Nos.2063,2064,2067,2074,2464,
2466,2467,2469,2470,2471,2472,2475,2476
2479,2480,2481,2482,2485,2848,2850,2851
2854,2947,2948,2949,2951,2954,2955,2956
2959,2960/01, 92,94,98,101,103,152 to
157,159,162 to 166/02
2291,2295,2301,2607,2608,2609,2613,2614
2615,2616 & 2617/01

2nd Appellant in W.A.2063,2064/01 ,
2067/01,2074/01

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M/s. Ajash Cottons Spinning Mills,
Private Ltd., Erode ... Petitioner in W.P.13219/99

R2. State of Tamilnadu
Rep by its Secretary to Govt.,
Energy Department, Chennai -9

R2 in W.A. Nos.
1289,1290,1291,1292,1293,1025,1026
1027,1028,1029,1030,1444,1445,1446
1447,1448,1470,1471,1472,1473,1474
1475,1476,1481,1482,1483,1484,1485
1486,1487,1059,1060,1061,1062,1063
1645,1646, 1647, 1648, 1649,1650,

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1651, 1652, 1653, 1657, 1658, 1659, 1660, 1661, 1733, 1734, 1735, 1736, 1737, 1738, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1786, 1787, 1788, 1789, 1790, 1796, 1797, 1798, 1799, 1956, 1957, 1958, 1859, 1860 1861, 1862, 1863, 300/02
R1 in WA.1504/99,
R1 in W.A.1793/00,
R2 in W.A.149/02
R3 in W.A.1955/99
R2 in W.P. 13219/99

State of Tamil nadu
Rep. By its Secretary,
Industries Department,
Fort. St. George,
Chennai -9.

R3 in W.A.Nos. 1291, 1293, 1025, 1029, 1444, 1470, 1471, 1476, 1481, 1482, 1484, 1485, 1486, 1060, 1650, 1652, 1660, 1661, 1734, 1736, 1746, 1749, 1751, 1770, 1772, 1773, 1774, 1787, 1788, 1789, 1790, 1797, 1798, 1859,1860, 1863,300/02
R2 in W.A.1955,1959/99,
R3 in W.A.149/02
R4 in W.P.13219/99

M/s. Pioneer Feeds and Povetry products Pvt. Ltd., Rep by its Managing Director and Authorised Signatory V. Leela Krishnan,
Erode Dist.,

.. R3 in W.A.No.1771/99
.. R4 in W.A. 2610/01

Superintending Engineer
Tamilnadu Electricity Board,
Dindigul Electricity Distribution, Circle
Angunagar, S.S. Complex,
Meenakshi Naicker Patti,
Dindigul. 625 002.

.. 2nd Appellant in W.A. Nos. 1289 to 1293/99 1470,1471,1473,1475, 1645, 1647, 1652, 1653, 1955 of 1999

3rd Respondent in W.A.Nos. 2074 of 2001,2474,2848, 2851, 2857, 2858, 2859, 2948, 2951, 2958, 2959/2001, 163/2002,2294, 2302, 2604,2612, 2614/01

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Superintending Engineer
Tamilnadu Electricity Board
Mettur Electricity Distribution Circle
Mettur Dam 636 401, Salem District

2nd Respondent in W.A.Nos. 1029,1487,1646,1659, 1660,1661,1735,1736, 1749 of 1999

3rd Respondent in W.A.Nos. 1793/00, 2065,2467, 2480, 2482, 2954/2001, 93, 98, 99, 155, 166/02, 2300, 2605, 2607/ 2001

4th Respondent W.A.No. 2289/01

Superintending engineer
Tamilnadu Electricity Board,
Kamarajar District, Electricity
Distribution Circle,
Virudhunagar. .. 2nd Appellant in W.A.Nos. 1025, 1026/99 1028, 1444, 1446 of 1999

3rd Respondent in W.A.Nos. 2069, 2463, 2956/2001, 152/2002, 2301/2001.

4th Respondent in W.A.Nos. 2855/2001

Superintending Engineer
Tamilnadu electricity Board,
Erode/ Periyar electricity Distribution
Circle, Erode -9, Erode – 6. ... 2nd Appellant in W.A. Nos. 1027, 1030, 1445, 1448, 1472, 1734, 1737, 1750, 1772, 1774, 1956, 1957 of 1999.

III rd Respondent in W.A.Nos. 2061,2062,2064,2067, 2071, 2460, 2472, 2483, 2484, 2485, 2852, 2957,2961/2001, 91,99,95,96,153,160/2002 & W.P.13219/99

4th Respondent W.A.Nos. 2290, 2611/2001

Superintending Engineer,
T.N.E.B.Gobi Electricity Distribution Circle
23, Karumeyai Extention II,
Gobichetty Palayam -52 ..3rd Appellant in WA Nos.1445/99,1737, 1956/99

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..2nd Appellant in WA Nos. 1733,1738, 1770/99,1771,1773,1786,1788,1789,1790, 1958/99

..IIIrd Respondent in WA Nos.2461,2468, 2471,2475,2478/2001 103,156/02,2610/01

..4th Respondent in WA Nos. 2484,2957/ 2001, 95,160/02

Superintending Engineer
Tamil Nadu Electricity Board,
Kancheepuram Electricity Distribution Circle
Kacheepuram. ..2nd Appellant in WA Nos.1447/ 99, 1796, 1797/1999

..3rd Respondent in WA Nos.159/ 2002, 2296, 2297/01

Superintending Engineer,
Udumalpet Electricity Distribution Circle,
Udumalpet, 642126 ..2nd Appellant in WA Nos.1474, 1476,1747,1748,1752/99

..3rd Respondent in WA Nos.2063,2068, 2464,2465,2850/2001, 104/2002 2293/01

Superintending Engineer,
Chengalpattu Electricity Distribution Circle,
Chengalput. ..2nd Appellant in WA No.1481/99

..3rd Respondent in WA No.2950/2001

Paul Industries ..Appellant in WA No.1504/99

Superintending Engineer,
Coimbatore Electricity Distribution Circle,
North/south, Coimbatore 641 012 ..2nd Appellant in WA Nos.1482,1484,1485,1486, 1746,1775,1777,1798,1861,1862, 1863 of 1999

IIIrd Respondent in WA Nos.2473,2476,2479, 2481,2849,2603/2001,97,101,154,162/02, 164,165/02, 2291,2295,2299,2603,2606,2608,2613, 2616,2617/2001

4th Respondent WA No.2856/2001

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Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri Electricity Distribution Circle
Dharmapuri. ..2nd Appellant in WA Nos.1483, 1959 of 1999

..IIIrd Respondent in WA Nos.2072/ 2001 2462/2001, 92/02, 2298, 2609/2001

..4th Respondent in WA Nos. 2847/2001

The Member (Distribution)
Tamil Nadu Electricity board,
800 Anna Salai, Chennai-2. ..3rd Appellant in WA No.1487/99
..2nd Appellant in WA Nos.1060/99,1061/99
..IIIrd Respondent in WA Nos. 2847,2856,2949/2001 2289,2290,2292/2001.
..4th Respondent in Wa No.2849/2001

Superintending Engineer,
Madurai Electricity Distribution Circle
Madurai 625 007 ..2nd Appellant in WA Nos.1059/ 99,1061,1063/99

..3rd Respondent in WA Nos.102, 161/2002

..4th Respondent in WA No.2292/01

Superintending Engineer,
Vellore Electricity Distribution Circle,
TNEB, Vellore 632 006. ..3rd Appellant in WA.Nos. 1060, 1062/99.

3rd Respondent in WA.100/02.

4th Respondent in WA.2949/01.

Superintending Engineer,
Chidambaranar Electricity Distribution Circle,
Tuticorin Dist. ..1st Appellant in 726/99, 1648, 1649/1999.

..2nd Appellant in WA.Nos.1651, 1776, 17870/1999.
..3rd Respondent in WA.Nos.2066, 2073, 2486, 2853/2001, 1504/99.

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Superintending Engineer,
Tamil Nadu Electricity Board,
Salem Electricity Distribution Circle,
Dr.Venkata Rao Road,
Salem 636 001. ..2nd Appellant in WA.Nos.1650/99, 149/02, 300/02.

..3rd Respondent in WA.Nos. 2469, 2470, 2487, 2960/ 2001, 157/2002, 2613/01.

Superintending Engineer,
Trichy Electricity Distribution Circle,
North Mannarpuram,
Trichy 20. ..2nd Appellant in WA.Nos.1658, 1859, 1860/1999.

3rd Respondent in WA.Nos.2947/01, 2955/01, 158/02.

The Executive Engineer,
Gobi Electricity Distribution Circle,
Sathyamangalam 638 459 ..3rd Appellant in WA.No. 1738/99.

..4th Respondent in WA.No. 2461/01.

Superintending Engineer,
Chennai Electricity Distribution Circle,
(EDC(North),
Chennai 600 002. ..2nd Appellant in WA.No.1751/1999
3rd Respondent in WA.Nos. 2466, 2854, 2615/01.

Superintending Engineer,
Tamil Nadu Electricity Board,
Karur Electricity Distribution Circle,
Karur 639001. ..2nd Appellant in WA.Nos. 1799/99, 3rd Respondent in WA.2070/2001.

The Executive Engineer,
Tamil Nadu Electricity Board,
Periyar Electricity Distribution Circle,
Perundurai 638 052. ..4th Respondent in WA.2071/2001.

The Executive Engineer,
Operation and Maintenance,
Chennai Electricity Distribution Circle,
No.54, Varadhappa Naicker Street,
Ponneri. ..3rd Respondent in WA.No.2477/2001.

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The Superintending Engineer,
Dindigul Anna Electricity Distribution Circle,
48, Nehruji Nagar, 3rd Street,
Dindigul 624 007. ..3rd Respondent in WA.No.2846/2001.

The Chief Engineer,
(Distribution),
Tirunelveli. ..3rd Respondent in WA.No.2855/2001.

The Superintending Engineer,
Trichy Electricity Distribution Circle (North)
Tamil Nadu Electricity Board,
Tiruchirappalli 20. ..3rd Respondent in WA.2947/2001.

The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Kamarajar Dist. ..3rd Respondent in WA.2301/01.

M/s KSV Cotton Mills Pvt Ltd.,
Rep. By Managing Director,
Dindigul District. .. R1 in WA No. 1289/99

M/s Palaniappa Textiles Pvt. Ltd.,
Coimbatore. .. R1 in WA No. 1290/99

M/s Adisankara Spinning Mills(P)
Ltd., Rep. By Managing Director
C. Kandasamy, Tirupur .. R1 in WA 1291/99

Dindigul Cotton Textiles
Mills Pvt. Ltd., Rep. By
Managing Director, Dindigul .. R1 in WA 1292/99

M/s Srivenkateswara Paper and
Boards Ltd., Swaminathapuram,
Madanthakulam .. R1 in WA 1293/99

M/s Sri Parameswari Spinning
Mills Ltd., Rep. By its Director
Srinivasan, Pandalgudi. .. R1 in WA 1025/99

M/s Jayalakshmi Textiles Pvt.Ltd.,
Rep. By its Director T.R. Kannan,
Virudhunagar Dist. .. R1 in WA 126/99

M/s Sri Kuppanna Spinning Mills,
(P) Ltd., Rep. By its Managing
Director, M.S. Ramasamy,
Erode District. .. R1 in WA 1027/99

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M/s S.A. Annannadan Spinning
Mills (P) Ltd., Rep. By its
Managing Director, A. Illavarasu,
Srivilliputhur. .. R1 in WA No. 1028/99

M/s SJLT Textiles Ltd.,
Namakkal. .. R1 in WA No. 1029/99

M/s Sadas Textiles Mills
Pvt. Ltd., Periyar District. .. R1 in WA No. 1030/99

M/s Vindhya Spinning Mills(P)
Ltd., Rep. By its Managing
Director, Sivakasi. .. R1 in WA No. 1444/99

M/s Mehala Carona Textiles
Pvt. Ltd., Rep. By its
Managing Director,
M. Doraisamy, Tirupur. .. R1 in WA 1445/99

The Arasan Aluminium Industries
Pvt. Ltd., Sivakasi. .. R1 in WA 1446/99

M/s Kanchi Karpooram Ltd.,
Rep. By Director K.C.Radhakrishnan
Chennai-8. .. R1 in WA 1447/99

M/s L.S.P.M. Spinners (P) Ltd.,
Rep. By its Managing Director,
M. Sekar, Kangeyam. .. R1 in WA 1448/99

M/s C.P. Spinning Mills Pvt. Ltd,
Rep.by Managing Director P. Jayaram
Dindigul District. .. R1 in WA 1470/99

M/s Amaravathi Sri Venkatesa paper
Mills Ltd,. Rep. By V. Gengasamy,
Udumalpet. .. R1 in WA 1471/99
2851/01

M/s Ananganoor Textiles Mills(P) Ltd.,
Rep. By its Managing Director
K. Ramasamy, Erode District. .. R1 in WA 1472/99

M/s Dindigul Steel Rolling Mills
Pvt. Ltd., Rep. By Executive Director
D.S. Balachandran, Dindigul. .. R1 in WA 1473/99

M/s Everwin Textile Mills(P) Ltd.,
Rep. By its Managing Director
Palanisamy, Tirupur. .. R1 in WA 1474/99

M/s P.T.K. Spinners Ltd,.,
Dindigul .. R1 in WA 1475/99

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M/s Prime Cotton Texgtiles a
Registered Partnership firm
rep. By its Partner Mrs. Sabitha
Chandran, Coimbatore. .. R1 in WA 1476/99

M/s Ragas Exports (P) Ltd.,
Rep. By its Director, Chennai-4. .. R1 in WA 1481/99
2950/01

M/s Durairaj Mills Ltd., Unit-II
Coimbatore. .. R1 in WA 1482/99

M/s Adiyaman Textiles Ltd.,
Krishnagiri Taluk. .. R1 in WA 1483/99

M/s Srivenkataram Textiles
Pvt. Ltd., Rep. By its Director,
Coimbatore. .. R1 in WA 1484/99

M/s Anitha Devi Spinnings
Pvt. Ltd., Coimbatore. .. R1 in WA 1485/99

M/s Manneeswara Textiles (P) Ltd.,
Coimbatore. .. R1 in WA 1486/99

M/s Raghav Industries Ltd.,
Chennai-18. .. R1 in WA 1487/99

M/s Madras Suspensions Pvt. Ltd.,
Rep. By President Ramana Rao .. R1 in WA 1059/99

M/s Ramco Industries Ltd.,
Rep. By its General Manager,
R. Soundararajan, Chennai-4 .. R1 in WA 1060/99
& 2949/01

M/s Sri Raja Rajeswari Textiles
(P) Ltd., Madurai District. .. R1 in WA 1061/99

M/s Kamar Chemicals &
Industries Ltd., rep. By its
Managing Director, Chennai-4. .. R1 in WA 1062/99

M/s Goodwill Team Papers Ltd,
Rep. By its Director M. Krishnakumar
Madurai. .. R1 in WA 1063/99

M/s D.P.N. Spiners Pvt. Ltd.,
Dindigul. .. R1 in WA 1645/99

M/s N.R.U. Spinning Mills Ltd.,
Rep. By its Chairman, Salem. .. R1 in WA 1646/99

M./s Vishnuvardhan paper Mills
Pvt. Ltd., Udumalpet, .. R1 in WA 1647/99

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M/s S.S.D. Spinning Mills
Rep. By Managing Director,
C. Rajadurai, Tuticorin District. .. R1 in WA 1648/99

M/s Royal Chlorates Pvt. Ltd.,
Rep. By Managing Director,
A. Xavier Jayapaul, Tuticorin Dist... R1 in WA 1649/99

M/s Sambandam Siva Textiles
Ltd., Rep. By its Director
S. Devarajan, Salem .. R1 in WA 1650/99

M/s Masanamoorthy Spinning Mills,
Rep. By Managing Director,
Tuticorin District. .. R1 in WA 1651/99

M/s Akaram Spinning Mills Ltd.,
Dindigul District. .. R1 in WA 1652/99

M/s Arima Spinners Pvt Ltd.,
Rep. By its Managing Director,
Karur. .. R1 in WA 1653/99

M/s S.K.M. Engg. Products Export
(India) Ltd., Rep. By its
Chairman & Managing Director
S.K.M. Masilanandan .. R1 in WA 1657/99

M/s Sri Rathinagiri Spinners (P)
Ltd., Rep. By its Managing Director
P. Sivasankar, Karur. .. R1 in WA 1658/99

M/s Radha Oils Pvt. Ltd., Rep. By
its Managing Director, Coimbatore .. R1 in WA 1659/99

M/s Peetee Tubes Ltd., Rep. By
its Managing Director, P. Thangaraju,
Karur. .. R1 in WA 1660/99

M/s K.K.P. Textiles (P) Ltd.,
Rep. By its Managing Director,
Namakkal District. .. R1 in WA 1661/99

M/s K.P.R. Mills (P) ltd.,
Rep. By its Managing Director,
K.P. Ramasamy, Coimbatore. .. R1 in WA 1733/99
2957/01

M/s Sam Turbo Industry Ltd.,
Rep,. By its Managing Director,
Coimbatore. .. R1 in WA 1734/99
& R1 in 2067/01

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M/s Status Spinning Mills Ltd.,
Rep. By its Director M. Udayakumar,
Tiruchengode. .. R1 in WA 1735/99
& 2065/01

M/s Midhunam Spinners Pvt. Ltd.,
Namakkal. .. R1 in WA 1736/99

M/s Amsam Spinning Mills (P) Ltd.,
Rep. By managing Director
P. Shivaboosanam, P. Puliampatty
.. R1 in WA 1737/99

M/s Leeds Spinning Mills (P) Ltd.,
Erode. .. R1 in WA 1738/99

M/s Rosvar Steels (P) Ltd.,
Coimbatore. .. R1 in WA 1746/99

M/s Aishwarya Textiles Ltd.,
Rep. By its Director, Udumalpet. .. R1 in WA 1747/99

M/s Sarva Mangala Synthetics
Ltd., Rep. By its Managing Director
V. Nirmal Jain, Coimbatore. .. R1 in WA 1748/99

M/s K.K.P. Spinning Mills Ltd.,
Rep. By its Director, P. Nallathambi
Namakkal District. .. R1 in WA 1749/99

M/s Selvakumar Spinners P. Ltd.,
Rep. By its Managing Director
P.M. Ramasamy
Erode. .. R1 in WA 1750/99

M/S.Triveni Alloys Ltd.,
Gummidipoondi. .. R1 in WA.No.1751/1999

M/s.V.G.Paper & Boards Ltd.,
Unit II, rep. by its
G.Ravindran,
Madathukulam. ..R1 in WA.No.1752/99, 2850/2001

M/s.Saradhambika Paper and
Board Mills (P) Ltd.
rep. by its Managing Director
E.A.Gopalasamy,
Gobi T.K. ..R1 in WA.No.1770/1999

M/s.Viswa Agro Enterprises Ltd.,
rep. by Managing Director
G.V.Viswanathan,
Erode District. ..R1 in WA.No.1771/1999

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M/s.Aries Chemicals Pvt. Ltd.,
rep. by its Managing Director,
M.Nandakumar, Gobichettipalayam..R1 in WA.No.1772/1999

M/s.Marshall Textiles P. Ltd..,
rep. by its Managing Director
P.Senthil Kumar, Tiruppur ..R1 in WA.No.1773/1999

M/s.Ananda Ganapathy Spinning
Mills (P) Ltd.,
rep. by T.Shanmugam,
Joint Managing Director,
Erode. ..R1 in WA.No.1774/1999

M/s.Sakthi Murugan Agro Foods Ltd.,
rep. by its Managing Director
A.R.Nachimuthu
Coimbatore District. ..R1 in WA.No.1775/1999

M/s.Aryas Paper & Boards Mills
(P) Ltd., Sivakasi. ..R1 in WA.No.1776/1999

M/s.Ramani Textiles Mills
(P) Ltd., Tirupur ..R1 in WA.No.1777/1999

M/s.Karthikeya Paper & Boards
Ltd., rep. by its
Managing Director,
S.F.Mohandass ..R1 in WA.No.1786/1999

M/s.Krishna Carbidos
Tuticorin District. ..R1 in WA.No.1787/1999

M/s.Yogalakshmi Spinning Mills
P. Ltd., Periyar District ..R1 in WA.No.1788/1999

M/s.Aravind Kumar Textiles
(P) Ltd., rep. by its
Managing Director
G.Balakrishnan,
Sathyamangalam. ..R1 in WA.No.1789/1999

M/s.Salona Cotspin Ltd.,
Coimbatore. ..R1 in WA.No.1790/1999

M/s.Sastha Paper Mills P.Ltd.,
rep. by its Managing Director,
A.Peria Karuppan,
Kancheepuram. ..R1 in WA.No.1796/1999

M/s.Hydromat (India) Ltd.
rep. by its Managing Director,
M.Venkatasubramaniam,
Chennai-5. ..R1 in WA.No.1797/1999

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M/s.Sri Rajaganapathy Processing
rep. by its Authorised Signatory
S.Samiappan, Tiruppur. ..R1 in WA.No.1798/1999

M/s.Tamil Nadu Newsprint &
Papers Ltd., rep. by its
Chief Manager
(Legal & Vigilance)
S.Meenakshi Sundaram,
Chennai-32. ..R1 in WA.No.1799/1999

M/s.The Sterling Spinners Ltd.,
rep. by its Chairman &
Managing Director
Chennai-81 ..R1 in WA.No.1955/1999
2948/2001

M/s.Rohini Mills,
rep. by its Managing Director
R.Somaliappan
Tiruppur. ..R1 in WA.No.1956/1999

M/s.Merit Spinners (P) Ltd.
Erode District. ..R1 in WA.No.1957/1999

M/s.Sri Vari Papers Pvt. Ltd.,
rep. by its Managing Director,
Mr.Senthil Kumar, Erode. ..R1 in WA.No.1958/1999

M/s.Global Remedies Pvt. Ltd.,
rep. by its Managing Director,
Hosur. ..R1 in WA.No.1959/1999

M/s.Madras Cements Ltd.
rep. by its President
R.Natarajan
Chennai-4. ..R1 in WA.No.1859/1999

M/s.The India Cements Ltd.,
rep. by its Company Secretary
Chennai-2. ..R1 in WA.No.1860/1999

M/s.B.R.T.Spinners Ltd.,
rep. by its Managing Director,
P.Senniappan, Erode. ..R1 in WA.No.1861/1999

M/s.Textool Co. Ltd.,
Formerly Coimbatore Cots &
Coating Ltd.,
Coimbatore. ..R1 in WA.No.1862/1999

M/s.Servall Engineering Industries
Ltd., rep. by its Chairman and
Managing Director R.Ramasamy,
Coimbatore. ..R1 in WA.No.1863/1999

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M/s.Sri Kuppanna Spinning Mills
(P) Ltd., rep. by its
Managing Director
M.S.Ramasamy, Erode District. ..R1 in WA.No.2061/2001

M/s.Shri Saratha Vanaspathy (P) Ltd.,
rep. by its Managing Director
G.Gunasekaran,
Erode District. ..R1 in WA.No.2062/2001

M/s.Prima Cotton Textiles,
a registered Partnership Firm
by its Partner
Savita Chandran
Coimbatore. ..R1 in WA.No.2063/2001

M/s.Sri Ratna Lakshmi Spinning
Mills Pvt. Ltd.,
rep. by its Director
T.R.Mahesh, Erode. ..R1 in WA.No.2064/2001

M/s.Royal Chlorates Pvt. Ltd.,
rep. by its Managing Director
A.Xavier Jeyapaul,
Tuticorin District. ..R1 in WA.No.2066/2001

M/s.Anangoor Textiles Mills
(P) Ltd., rep. by its
Managing Director,
K.Ramasamy, Erode District. ..R1 in WA.No.2068/2001

M/s.S.A.Anandan Spinning Mills
(P) Ltd., rep. by its
Managing Director
A.Ilavarasu. ..R1 in WA.No.2069/2001

M/s.Sri Rathnagiri Spinner
(P) Ltd., rep. by its
Managing Director
P.Sivasankar, Karur. ..R1 in WA.No.2070/2001

M/s. Sri Siva Polymers,
rep. by its Proprietor
V.Velumani, Perundurai. ..R1 in WA.No.2071/2001

M/s.Adiyaman Textiles Ltd.,
Dharmapuri District. ..R1 in WA.No.2072/2001

M/s.S.S.D.Spinning Mills Ltd.,
rep. by its Managing Director
C.Rajadurai,
Tuticorin District. ..R1 in WA.No.2073/2001

M/s.G.V.G. Paper Mills Ltd.,
rep. by its Managing Director
M.Amarnath, Udumalpet. ..R1 in WA.No.2074/2001

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M/s.Merit Spinners Pvt. Ltd.,
Erode District. ..R1 in WA.No.2460/2001

M/s.Leeds Spinning Mill Pvt. Ltd.,
rep. by its Managing Director,
R.Palanisamy, Erode. ..R1 in WA.No.2461/2001

M/s.Adiyaman Textiles Ltd.,
Dharmapuri District. ..R1 in WA.No.2462/2001

M/s.The Arasan Aluminium
Industries (P) Ltd.,
rep. by its Executive Director,
Sivakasi. ..R1 in WA.No.2463/2001

M/s.Selvaganapathy Cotton
Mills (P) Ltd.,
Coimbatore District. ..R1 in WA.No.2464/2001

M/s.Sarvamangala Synthetics Ltd.,
rep. by its Managing Director
V.Nirmal Jain, Coimbatore. ..R1 in WA.No.2465/2001

M/s.Verma Steels & Forgings
Pvt. Ltd., rep. by its Director
Niraj Kumar Sinha, Chennai-10. ..R1 in WA.No.2466/2001

M/S.Peetee Tubes Ltd.,
rep. by its Managing Director,
P.Thangaraju,
Karur. ..R1 in WA.No.2467/2001

M/s.Sri Vani Papers Pvt. Ltd.
rep. by its Managing Director,
A.Senthilkumar, Erode. ..R1 in WA.No.2468/2001

M/s.Sambandam Siva Textiles Ltd.,
rep. by its Managing Director,
S.Devarajan, Salem. ..R1 in WA.No.2469/2001

M/s.Sambandam Spinning Mills Ltd.,
rep. by its Director
S.Devarajan, Salem. ..R1 in WA.No.2470/2001

M/s.Marshall Textile Pvt. Ltd.
Tiruppur. ..R1 in WA.No.2471/2001

M/s.Surya Chakra Spinning (P)Ltd.,
rep. by its Managing Director,
Loganathan, Erode. ..R1 in WA.No.2472/2001

M/s.Navadurga Spinners Ltd.,
rep. by its Director,
S.V.Subramanian,
Chennai-8. ..R1 in WA.No.2473/2001

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M/s.Vishnuvaradhan Paper Mills
Pvt. Ltd., rep. by its
Managing Director,
Udumalpet. ..R1 in WA.No.2474/2001

M/s.Yogalakshmi Spinning
Mills (P) Ltd.,
Periyar District. ..R1 in WA.No.2475/2001

M/s.Sree Venkataram Textiles
Pvt. Ltd.,
rep. by its Director,
Coimbatore. ..R1 in WA.No.2476/2001

M/s.Jay Jay liners(p) Ltd,
Rep by its Director,
Ravindran, Chennai-57. - R1 in WA No.2477/01

M/s.Arvind Kumar Textiles(P)
Ltd, Rep by its managing
Director G.Balakrishnan,
Erode District. - R1 in WA No.2478/01

M/s.Anitha Devi Spinning
Pvt.Ltd.,
Coimbatore District. - R1 in WA No.2479/01

M/s.K.K.P.Textiles Pvt.Ltd.,
Rep.by its Managing Director,
P.Nallathambi - R1 in WA No.2480/01
2482/01

M/s.Manneswara Textiles Pvt.Ltd.,
Coimbatore District. - R1 in WA No.2481/01

M/s.Selvakumar Spinners Pvt.Ltd.,
Rep by its Managing Director,
P.M.Ramasamy, Erode District. - R1 in WA No.2483/01

M/s.Rogini Mills, Rep.by its
Managing partner R.Semalaiappan,
Tiruppur. - R1 in WA No.2484/01

M/s.Anantha Ganapathy Spinning Mills Pvt. Ltd.,
Rep. By R. Shanmugam, Joint Managing Director,
Erode. - R1 in WA.No.2485/01

M/s.Masan Moorthy Spinning Mills
Rep.by its Managing Partner,
Tuticorin District - R1 in WA No.2486/01

M/s.Thammampatty Textiles(p) Ltd
Rep.by its Managing Director,
Rangasamy, Salem District. - R1 in WA No.2487/01

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M/s.Dindigul Cotton Textiles Mills (P) Ltd., Rep by its Managing Director, Dindigul - R1 in WA No.2846/01

M/s.Varalakshmi Starch Industries Rep by its Managing Director, V.Anbalagan, Salem - R1 in WA No.2847/01

M/s.Sri Venkateswara Paper and Boards Ltd., Madathakulam - R1 in WA No.2848/01

M/s.Ramani Textile Mills(P) Ltd., Rep.by its Managing Director, Tiruppur - R1 in WA No.2849/01

M/s.P.S.G.Spinning Millis (p) Ltd., Rep.by its Director, P.S.Mylswamy, Kangeyam - R1 in WA No.2852/01

M/s.Aryas Paper & Board Mills Pvt.Ltd., Rep by its Chairman, Sathyanarayana Agarval. - R1 in WA No.2853/01

M/s.Triveni Alloys Ltd., Gummidipoondi. - R1 in WA No.2854/01

M/s.Silver Spring Spinners India(p) Ltd., Rep.by its Managing Director, R.Rajendran, Sivakasi - R1 in WA No.2855/01

M/s.Textool Co.Ltd., formerly Coimbatore cots & coatings Ltd., Coimbatore. - R1 in WA No.2856/01

M/s.Arima Spinners Pvt.Ltd., Rep.by its Managing Director, Karur. - R1 in WA No.2857/01

M/s.P.T.K.Spinners Ltd, Dindigul. - R1 in WA No.2858/01

M/s.Tirupur Surya Textiles Pvt Ltd, Rep by its Managing Director, Tirupur. - R1 in WA No.2859/01

M/s.Madras cements Ltd., Chennai-4 - R1 in WA No.2947/01

M/s.Palaniappan Textiles Pvt.Ltd., Rep.by its Managing Director, Coimbatore. - R1 in WA No.2951/01

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M/s.Karthikeya Paper & Boards
Ltd., Rep by its Managing
Director, S.K.Mohandoss - R1 in WA No.2952/01

M/s.S.K.M.Engineering products
Exports(India)Ltd., - R1 in WA No.2953/01

M/s.SJLT Textiles Ltd.,
Namakkal District - R1 in WA No.2954/01

M/s.The India Cements Ltd.,
Rep by its Executive Director
Chennai-2 - R1 in WA No.2955/01

M/s.Sri Parameswari spinning
Mills Ltd., Rep by its
Director, Pandalgudi - R1 in WA No.2956/01

M/s.K.S.V.Cotton Mills Pvt.
Ltd., Rep by its Managing
Director,
Dindigul District - R1 in WA No.2958/01

M/s.C.P.Spinning Mills Pvt.Ltd.,
Rep.by its Managing Director,
P.Jayaram, Dindigul Mannar
Tirumalai District. - R1 in WA No.2959/01

M/s. Supreme Yarn Spinners Ltd.,
Rep.by its Director,
P.Palaniappan, Salem - R1 in WA No.2960/01

M/s.Sadas Textiles Mills
Pvt.Ltd.,
Rep.by its Managing Director,
Periyar District. - R1 in WA No.2961/01

<u>Ist Respondent</u>

W.A.91/02: M/s.Nallam Textiles (p)Ltd., Vellamadai Karur Main Road, Orapalayam Post, Kangeyam Taluk, Periyar District, 638 701 represented by its Managing Director, Mr.T.Subramaniyam.

W.A.92/02: M/s.Indus Steels & Alloys(P) Ltd.,Kallukonda patty, rep by its Managing Director Mr.D.Venkatesh Gupta.

W.A.93/02: M/s.Shambu Vengu Spinning Mills(P) Ltd., rep.by its Managing Director K.Shanmugasundaram, Komarapalayam.

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W.A.94/02: M/s.Amirtha Lakshmi Spinning Mills Private Limited, by its Director Mr.D.D.Balakrishnan, Erode.

W.A.95/02: M/s.Amsam Spinning Mills(p) Limited, P.Pullampatti, rep.by its Managing Director, Mr.P.Sivapoosanam.

W.A.96/02; M/s.Viking Textiles Private Limited, rep. By its Managing Director, Tiruppur.

W.A.97/02: M/s.Sri.Ranganathan Valves(p) Ltd, K. K. Pudur rep.by its Managing Director, Mr.V. Narayanasamy.

W.A.98/02: M/s.Pattaiya Spinners Pvt.Ltd. Tiruchengodu rep.by its Managing Director, Mr.P.Subramani.

W.A.99/02: M/s.Raga Oils Private Limited, Ramanathapuram, Coimbatore, rep.by its Managing Director.

W.A.100/02: M/s.Kamar Chemicals and Industries Ltd., having its Registered Office at Mylapore represented by its Managing Director.

W.A.101/02: M/s.Durairaj mills Ltd., having its Registered office at Annur, Coimbatore.

W.A.102/02: M/s.Goodwill Team Papers Ltd., rep.by its Director sri.M.Krishnakumar,Madurai.

W.A.103/02: M/s.Savadambika paper & Boards Mills (P) Ltd, Regd.Office at Sellakumarapalayam, Polarakalipalayam, Gopi Taluk-638 476 rep.by its Managing Director Mr.E.A.Gopalasamy.

W.A.104/02: M/s.Aishwarya Textiles Limited, Udumalpet, rep by its Director.

W.A.149/02: Sri.Sundaraganapathy Spinning Mills P.Ltd., Salem-3.

W.A.152/02 M/s.Jayalakshmi Textiles Pvt.Ltd., rep by its Director Mr.T.R.Kannan, Sempatti Village, Aruppukkottai.

W.A.153/02: M/s.Aries Chemical Private Ltd. Rep.by its Director Mr.M. Nandakumar, Gobichettipalayam.

W.A.154/02: M/s.A.V.R.Textiles(p) Limited, Regd Office at S.F.No.1, Peedampalli, Ondipudur Post, Coimbatore-641 016.

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W.A.155/02: M/s.Midhunam Spinners(P) Ltd.,
having its Registered Office at S.F.No.151/1,
Maniyannur Village, Namakkal District.

W.A.156/02: M/s.Salona Cotspin Limited,
Regd.Office at No.11, Ramdas Ramalingam Lay out,
Coimbatore-641 002.

W.A.157/02: M/s.Vijayakumar Gases (p) Ltd,
Salem, rep.by its Managing Director,
Mr.V.Shanmugam.

W.A.158/02: M/s.Madras Cements Limited,
Regd. Office at Rama Mandiram, Rajapalayam. Rep
by its Chairman Mr.R.Natarajan.

W.A.159/02: M/s.Hydromet (India) Limited,
Chennai rep.by its Managing Director,
Mr.M.Venkatasubramaniam.

W.A.160/02: M/s.Mehala Carona Textiles Pvt.Ltd.,
Regd. Office Tiruppur, Rep by its Managing
Director, Mr.R.Doraiswamy.

W.A.161/02: M/s.Madras Suspensions Private Limited,
Ayyankotai, Madurai district rep.by its vice-
President Thiru.K.V.Ramana Rao.

W.A.162/02: M/s.Nilgiri Textiles Private Limited,
(Unit - II), Regd. Office at Mettupalayam.

W.A.163/02: M/s.S.M.P.Textiles Mills(P) Limited,
Erode, rep.by its Chairman Mr.N.Shanmugasundaram.

W.A.164/02; M/s.Rosvar freeds(p) Limited,
Coimbatore rep.by its Director Mr.R.Ravichandran

W.A.165/02: M/s.A&S Textiles Limited,
Regd. Office at Coimbatore.

W.A.166/02: M/s.Sri Hariprasath Textiles Private Limited,
Erode, rep.by its Director Mr.A.Selvaraj.

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Ist Respondent:

Sri Murugan Spinning Mills (P) Ltd.,
Regd Office at Salem. ...WA.300/02

M/S Raghar Industries Limited,
Regd Office at Chennai
rep by its Authorised Signatory, ...WA.2289/01

M/s Sivasakthiamman
Spinning Mills Priviate Limited,
Rgd Office at Erode. ...WA.2290/01

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M/s Sri Thirumalai Venkatasamy
Textiles (P) Ltd.,
Karamadai, Coimbatore district. ...WA.2291/01

M/s.Sri Raja Rajeswari Tentiles (P) Ltd.,
Rgd., Office Kulasekaran Kottai village, ...WA.2292/01
Madurai District.

M/S Everwin Textile Mills (P) Ltd.,
Tiruppur rep by its Managind Director,
Mr.K.Periyasamy. ...WA.2293/01

M/S G.K.Steel and Allied Industries Limited,
Dindigul, rep by Mr.K.Nagaraj. ...WA.2294/01

M/S M.M. & Sons Mills (P) Ltd.,
rep by its Managind Director,
Coimbatore. ...WA.2295/01

M/S Kanchi Karpooram Limited,
Chennai, rep by its Director,
Mr.K.C.Radhadrishnan, ...WA.2296/01

M/S Sastha Paper Mills Priviate Limited,
Kancheepuram rep by its Managing Director, ...WA.2297/01
Mr.A.Periakaruppan.

M/S Global Remedies Private Limited,
Hosur rep by its Managing Director. ...WA.2298/01

M/s Sakthimurugan Agro Foods Ltd.,
Avinashi, rep by its Managing Director,
Mr.A.R.Nachimuthu. ...WA.2299/01

M/s.Sri Hariprasath Textiles (P) Ltd.,
Erode rep by its Director Mr.P.Selvaraj, ...WA.2300/01

M/S Vindhya Spinning Mills (P) Limited,
rep by its Managing Director,
Mr.G.Athipathy. ...WA.2301/01

M/s Dindigul Steel Rolling Mills Pvt Ltd.,
Dindigul rep by its Executive Director,
Mr.D.S.Balachandran. ...WA.2302/01

M/s B.R.T Spinners Ltd.,
Regd Office at Erode rep by its
Managing Director Thiru.P.Senniappan ...WA.2603/01

M/s.D.P.N. Spinners Pvt Ltd.,
Dindigul rep by its
Managing Director. ...WA.2604/01

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M/s. N.R.V Spinning Mill Ltd.,
rep by its Chairman,
Thambipadi village, Salem Dt., ...WA.2605/01

M/s.Classic Spinning Mills (p) Ltd.,
Rgd Office at Tiruppur,
rep by its
Managing Director
Thiru.S.Duraisamy. ...WA.2606/01

M/s.Arunachala Gounder Textile Mills Limited,
Pallipalayam, Erode rep by its Director
Thiru M.P.K.Rajagopal ...WA.2607/01

M/s Servall Engineering Industries Limited
rep by its Chairman and Managing Director,
Thiru N.Ramasamy, Coimbatore. ...WA.2608/01

M/S Marsan's Textiles Limited,
Kodiyattam Village,
Dharmapuri District rep by its
General Manager ...WA.2609/01

Viswa Agro Enterprises Ltd.,
Rgd Office at Gobichettipalayam,
rep by its Managing Director,
Nr.G.V.Viswanathan. ...WA.2610/01

Sree Bhavani Spinners (India) Ltd.,
Vijayamangalam, Erode District,
rep by its Managing Director P.Elango ...WA.2611/01

M/s Eastman Spinning Mill Pvt Ltd.,
Tiruppur rep by its Managing Director. ...WA.2612/01

L.K.P. Spinning Mill (P) Ltd.,
rep by its Director, Salem. ...WA.2613/01

M/s Adisankara Spinning Mills Private Ltd.,
Rgd Office at Tiruppur rep by its
Managing Director Mr.C.Kandasamy, ...WA.2614/01

R.V.Steels Private Limited,
rep by its Authorised signatory,
T.Nagar, Chennai. ...WA.2615/01

Ramba Castings Limited,
Peelamedu Coimbatore,
rep by its Managing Director,
Thiru V.Rajendran. ...WA.2616/01

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M/s Sulochana Cotton Spinning,
Mills (p) Ltd.,
rep by its Managing
Director Mr.M.Shanmugam,
Tiruppur. ...WA.2617/01

Prayer:

Appeals under clause 15 of the Letters Patent against the Common order of this Court dated 23.4.99 and made in WP.Nos.14944/97, 14945/97, 15841/97, 19237/98, 20378/98, 14546/97, 17592/97, 16922/97, 16474/97, 14820/97, 14458/97, 17323/98, 18472/97, 4631/98, 12638/98, 18788/97, 14315/97, 4954/99, 17142/97, 17830/98, 12543/98, 16820/97, 17207/97, 12894/97, 2861/98, 4429/98, 8182/98, 9157/98, 9175/98, 12310/98, 18539/97, 14328/97, 12515/98, 2747/98, 2966/98, 15122/97, 15227/97, 16818/97, 17227/97, 17238/97, 7271/98, 11001/98, 15352/98, 16819/98, 14699/97, 16018/97, 2630/98, 6522/97, 9340/98, 14525/97, 17033/98, 17376 of 1997, 17705/97, 2383/98, 4328/98, 119/98, 3797 of 1998, 6112/98, 9340/98, 9477/98, 6157/99, 4953/98, 3759/97, 15367/97, 17640/98, 7600/98, 10941/98, 16371/98, 19543/98, 20458/98, 13519/97, 20662/98, 2616/98, 8460/98, 17706/97, 12639/98, 18136/97, 18528/97, 344/99, 14984/97, 10504/98, 3994/98, 6559/98, 12820/98, 3481 of 1999, 12540/97, 13579/97, 14996/97, 6800/99, 15365/97, 11368/2000, 16922/97, 17348/97, 17207/97, 16499/97, 17376/97, 17238/97, 17033/97, 17142/97, 16474/97, 16018/97, 15968/97, 16069/97, 17227/97, 17026/97, 3994/98, 4328/98, 4429/98, 4631/98, 5708/98, 6112/98, 6160/98, 6522/98, 6559/98, 7271/98, 7272/98, 7600/98, 7631/98, 7637/98, 16818/97, 9616/98, 8182/98, 8403/98, 8460/98, 9157/98, 9339/98, 9175/98, 9340/98, 9477/98, 10504/98, 10941/98, 11001/98, 12351/98, 19237/98, 18023/98, 20378/98, 20458/98, 4953/99, 4954/99, 5431/99, 19543/98, 6157/99, 5151/99, 6800/99, 16819/97 to 16821/97, 12540/97, 14984/97, 14328/97, 12894/97, 14945/97, 13519/97, 14699/97, 14820/97, 13579/97, 14546/97, 14525/97, 14944/97, 14315/97, 14931/97, 14458/97, 1095/98, 1255/98, 1278/98, 1876/98, 2383/98, 2568/98, 2571/98, 2574/98, 2630/98, 2747/98, 2861/98, 2966/98, 3759/98, 3797/98, 17509/00, 17592/97, 17640/97, 17704/97, 17705/97, 17706/97, 17947/97, 18802/97, 18136/97, 18472/97, 18539/97, 18598/97, 106/98, 119/98, 344/98, 395/98, 17510/00, 12310/98, 12146/98, 12480/98, 12515/98, 12543/98, 12552/98, 12580/98, 12638/98, 12639/98, 12820/98, 16371/98, 16726/98, 17323/98, 17830/98, 14996/97, 15122/97, 15227/97, 15352/97, 15363/97, 15365/97, 15364/97, 15367/97, 15450/97, 15571/97, 15835/97, 15841/97, 15857/97, 16500/97, 16771/97, and WP.No.13219/99 presented under Art 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to forthwith extend the benefits of tariff concession to the petitioner's Industrial Unit in terms of Notification of 1st Respondent in GO.Ms.29, Energy Dated 31.1.95 and in the light of various instructions of the Govt. and also in terms of common order of this Court dated 23.4.1999 in WP.12540/97 etc. for a period of 3 years from the effecting date of service connection.

Appearance:

Mr.V.R.Reddy, Senior Counsel assisted by M/s N.C.Ramesh & T.Sivaprakasam for Mr.G.Vasudevan, on behalf of the Tamil Nadu Electricity Board, for Appellants/ Respondents in all the cases and of Mr.V.Raghupathi, Govt Pleader on behalf of the Government, for Appellants & Respondents in all the cases, and of Mr.K.Kalyanasundram, Advocate for the 1st Respondent in

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WA.Nos.1289/99, 1470, 1475/99 and of Mr.T.R.Rajagopalan, Senior counsel for Mr.T.P.Manoharan for R1 in WA.No.1291/99 and of Mr.Jayesh, Advocate for M/S Aiyar & Dolia for R1 in WA.Nos.1289, 1647, 1752/99, and of Mr.Sathish Parasaran, Advocate for R1 in WA.Nos.1293, 1470, 1481, 1487, 1482, 1060, 1061, 1645, 1485, 1486, 1734, 1736, 1770, 1771, 1773, 1777, 1997, 1797, 1859, 1860, 1862, 1863/99 and of Mr.V.Shanmugam, Advocate for R1 in WA.1025/99 and of Mr.K.Chandrasekaran, Advocate for R1 in WA.1026/99, and of Mr.V.R.Rajasekaran, Advocate for R1 in WA.Nos.1027, 1030, 1448, 1472, 1750/99 and of Mr.R.Annamalai Nathan, Advocate for R1 in WA.No.1028/99, and of Mr.A.Jeenasenan, Advocate for R1 in WA.Nos.1029 & 1646/99, and of Mr.R.Subramanian, Advocate for R1 in WA.Nos.1444, 1661, 1749, 1659, 1661 & 1749/99, and of Mr.S.Silambanan, Advocate for R.1 in WA.Nos.1445, 1733, 1748, 1956/99 and 152/02 Advocate for Appellant in WA.1504/99 and of Mr.Vijay Narayanan, Senior Counsel for Mr.R.Parthiban, for R1 in WA.no.1446/99, 1660/99 and of Mr.K.Jayaraman, Advocate for R1 in WA.No.1447/99 and of Mr.G.Masilamani Senior Counsel for Mr.K.Mohanram, Advocate for R1 in WA.Nos.1476, 1482, 1485, 1486, 1736, 1789, 1790, 2479, 1657, 1789, 1790, 1860/99 and of Mr.S.Giridharan, Advocate for R.1 in WA.Nos.1059/99, and of Mr.M.Md.Ibrahim Ali, Advocate for R.1 in WA.Nos.1648, 1649/99, and of Mr.T.Ravi Kumar, Advocate for R.1 in WA.Nos.1651/99 and of Mr.Palani Selvaraj, Advocate for R.1 in WA.Nos.1653 and 1788/99 and of Mr.V.Nicholas, Advocate for R.1 in WA.No.1661/99 and of Mr.K.Alagirisamy, Senior Counsel for Arivudainambi, for 1st Respondent in WA.No.1658/99, and of Mr.G.S.Thamby, Advocate for R.1 in WA.No.1786/99, and of Mr.Nagarajan, Advocate for 1st Respondent in WA.No.1799/99 and of Mr.B.Christhudoss, Advocate for 1st Respondent in WA.1958/99 and for Appellant in WA.No.1793/2000, and of Mr.M. Vellaisamy, Advocate for 1st Respondent in WA.No.1957/99, and of Mr.C.S.Krishnamoorthy, Advocate for Appellant in WA.No.726/99, and of Mr.S.Sivanandam, Advocate for R.1 in WA.No.149/02, and of Mr.N. Srinivasan for Appellant in WA.300/02 and for 1st Respondent in WA.No.2947/99 and of Mr.G.Masilamani, Senior Counsel for Mr.K.Kuppusamy, for R.1 in WA.Nos.1861 & 1862/99 and of Mrs.G.Latha Advocate for R.1 in WA.No.1649/99.

JUDGMENT

(Judgment of the Court was delivered by
The Hon'ble The Chief Justice)

These writ appeals have been filed against the common judgment of the learned single Judge dated 23.4.99.

2. Since common questions of law are involved we are disposing of these writ appeals by a common judgment.

3. We have heard Mr.V.R.Reddy, learned Senior Advocate for the appellants and Mr.R.Krishnamoorthy, Mr.G.Masilamani, Mr.T.R.Rajagopalan, Mr.K.Alagiriswami, Mr.Vijay Narayan, learned Senior Advocates for the respondent-units and Mr.V.Raghupathi, learned Government Pleader.

4. The short question in this batch of appeals is whether the respondent-units are entitled to get the tariff concession in electricity supply under the proviso to High Tension Tariff I(a) of the Notification of the Government of Tamil Nadu Energy Department dated 14.2.97.

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5. In this batch of cases we shall not discuss the individual facts of each of the respondent's cases as they are different in each case. We are only laying down the principle of law as to eligibility of tariff concession, but each of the respondents will have to approach the Tamil Nadu Electiricty Board and satisfy it that it is eligible to the tariff concession on the principle of law we are laying down, if the facts of its specific case entitles it to the said concession.

6. It may be mentioned that before the Notification dated 14.02.1997, the State Government had issued the Notification dated 31.1.95 under Section 4 of the Tamil Nadu Revision of Tariff Rates on supply of Electrical Energy Act, 1978 (Tamil Nadu Act I of 1979) which was issued by the Governor. The relevant part of that Notification states,

> "Tariff concession for High Tension Industries coming under High Tension Tariff I:-
> a) In the case of new High Tension Industries to be set up in the areas other than the Madras Metropolitan areas, the following concessional tariffs shall be charged for the first three years from the date, the consumer is given service connection under high tension tariff I:-
> For the first year - 60 percent of the High Tension rates
>
> For the second year - 70 percent of the High Tension rates
>
> For the third year - 80 percent of the High Tension rates
>
> For the fourth year- Full Tariff"

7. Subsequently, by the Notification dated 14.2.97, the above tariff concession was modified and now it states,

> "a) New High Tension Industries set up in any area on or after 15th February'97, shall not be eligible for any tariff concession.
> Provided that the High Tension Industries set up in any area other than Chennai Metropolitan area before 15th February'97 shall continue to avail themselves of the said tariff concession until the expiry of the period of three years from the date on which the consumer is given service connection."

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8. The short question in all these cases is what is the meaning of the expression "set up" in the aforesaid proviso.

9. It is submitted by Mr.Reddy, learned Senior Counsel for the appellant that the words "set up" in the proviso has to be interpreted to mean that the units in question had electricity connections prior to 15.2.97. On the other hand, the interpretation canvassed by the learned counsel for the respondent units is that the new industries which had been actually established or erected before 15.2.97, will be entitled to the said tariff concession, even if they did not have power connection before 15.02.1997.

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10. Mr.Reddy has submitted that the use of the words "shall continue to avail" in the proviso implies that the factories did have power connections before 15.2.97 and that are continued to be availed of. We do

not agree with this interpretation.

11. In our opinion, the words "shall continue to avail" only means that the benefit of the concession under the notification dated 31.01.1995 will continue to be given to industries which had in fact been set up prior to 15.2.97.

12. It may be mentioned that in several laws in the country such as Income Tax laws, Sales Tax laws etc., concessions are given to new industrial units (particularly if set up in backward areas) such as concessional rates of tax or tax holidays for a few years, etc. This is because the policy of the State is to encourage industrialisation of the country, since industrialisation alone is the way-out for the country to abolish poverty, unemployment and other social evils.

13. The concession given by the Notification dated 31.1.95 was also towards this end viz., to promote growth of new industries. Although this concession was modified by the Notification dated 14.2.97, it seems to us that the State Government realised that in case an industrial unit had been set up prior to 15.2.97, it must have made a lot of investment and done financial planning under the impression that it would get the concession in electricity tariff rates. If suddenly after the unit had been set up it is deprived of this concession, its financial planning may go haywire. Obviously it was for this reason that the proviso was inserted in the Notification dated 14.2.97 and it was stated that the benefit will continue to be availed of by the new units which had been set up prior to 15.2.97.

14. The expression “set up” has been explained by a Division Bench of this Court in "Ramraju Surgical Cotton Mills Ltd., Rajapalayam Vs. Commissioner of Wealth Tax (AIR 1963 MADRAS 19)", in which it was observed,

> "The expression 'set up' is assigned the following meaning in the Oxford Concise Dictionary start (institution; business); establish oneself in some capacity.
>
> The Chambers Dictionary gives the following meaning; to erect, to put up, and set him up to begin a career.
>
> The words 'set up' are quite familiar and common place. But in the special context of the exempting provision of Sec.5(1)(xxi) of this Act, they present some complexity creating a stubborn indefiniteness. When can a business undertaking or factory, etc., be said to be 'set up'. Is it the date of the very commencement when the preliminaries are put through or is it one or other of the several intermediate stages that have to be passed through before a factory can become a fait accompli or is it final act which puts it in gear.
>
> One thing seems to be fairly clear and it is this unless a factory is erected and the plants and machinery installed therein, it cannot be said to have been set up. The resolutions of the Board of Directors, the orders placed for purchasing the machinery, the licence obtained from the Government for constructing the factory, are merely initial stages towards setting up, however necessary, and essential they may be to further the achievement of the end. It is not, however, the actual

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functioning of the factory of its going into production that can alone be called setting up of the factory. The setting up is perhaps a stage anterior to the commencement of the factory."

15. Against the aforesaid judgment, an appeal was filed before the Supreme Court and the Supreme Court upheld the judgment of this Court in "Commissioner of Wealth Tax Vs. R.S.Cotton Mills (AIR 1967 SC 509)" by observing (vide para 3):-

"The High Court held that unless a factory is erected and the plants and machinery installed therein, it cannot be said to have been set up. The resolution of the Board of Directors, the orders placed for purchasing machinery, licence obtained from the Government for constructing the machinery, etc., are merely initial stages towards setting up, however necessary and essential they may be to further the achievement of the end. It is not, however, the actual functioning of the factory or its going into production that can alone be called setting up of the factory. The setting up is perhaps a stage anterior to the commencement of the factory. Thereafter the High Court referred to a decision of the Bombay High Court in Western India Vegetable Products Ltd. v. Commnr. of Income Tax, Bombay City, 1954-26 ITR 151: (AIR 1955 Bom 13) and on its basis concluded that the proper meaning to be assigned to the expression 'set up' in Sec.5(1)(xxi) would be ready to commence business. We are unable to agree with the learned counsel for the Commissioner that in arriving at this view, the High Court committed any error. A unit cannot be said to have been set up unless it is ready to discharge the function for which it is being set up. It is only when the unit has been put into such a shape that it can start functioning as a business or a manufacturing organization that it can be said that the unit has been set up. The expression used in the proviso, under which the period for which the exemption is available is to be determined, is not the same as used in the principal clause. In the proviso, the period of five successive years was to commence with the assessment year next following the date on which the company commences operations for the establishment of the unit. Operations for the establishment of the unit, from the very nature of that expression, can only signify steps that have to be taken to establish the unit. The word 'set up' in the principal clause, in our opinion, is equivalent to the word 'established', but operations for establishment cannot be equated with the establishment of the unit itself or its setting up. The applicability of the proviso has, therefore, to be decided by finding out when the company commenced operations for establishment of the unit, which operations must be antecedent to the actual date on which the company is held to have been set up for purposes of the principal clause. This is also the meaning that the Bombay High Court derived in the case of Western India Vegetable Products Ltd., 1954-26 ITR 151:

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(AIR 1955 Bom 13) (supra) where that Court was concerned with the interpretation of the expression 'set up' as used in Section 2(11) of the Income Tax Act. That Court held:

> It seems to us that the expression 'setting up' means, as is defined in the Oxford English Dictionary, 'to place on foot' or 'to establish' and is in contradistinction to 'commence'. The distinction is this that when a business is established and is ready to commence business, then it can be said of that business that it is set up. But before it is ready to commence business it is not set up.

This view was expressed when that Court was considering the difference between the meaning of the expression 'setting up of a business' and 'commencing of a business'. In the case before us, the proviso does not even refer to commencement of the unit. The criterion for determining the period of exemption is based on the commencement of the operations for the establishment of the unit. These operations for establishment of the unit cannot be simultaneous with the setting up of the unit as urged on behalf of the Commissioners, but must precede the actual setting up of the unit. In fact, it is the operations for establishment of a unit which ultimately culminate in the setting up of the unit."

16. In view of the clear pronouncement of the Supreme Court in the aforesaid decision it is obvious that the words "set up" are different from the word "commence". A factory can be said to have been "set up" even though it has not commenced production.

17. Mr.Reddy, learned Senior Counsel for the appellants has submitted that in the context in which the words "set up" has been used in the proviso, it means that the unit already had an electric connection prior to 15.02.1997, otherwise it cannot be said that it is continuing to avail of it after that date. We do not agree.

18. In interpreting the expression "shall continue to avail" in the proviso to the notification dated 14.02.1997, we have to take into account the background and the context in which the aforesaid notification was issued. This background was that prior to 14.02.1997 new industrial units set up in areas other than Chennai and Other Metropolitan areas were being given concessional tariff. It was decided subsequently to stop grant of this concession, but it was obviously realized by the Government that industries which had already been set up may face difficulties if they are deprived of this concession, since those industries were obviously set up at a time when this concession was available. Hence while doing financial planning for the project of setting up of the new industry the businessman must have been under the impression that he would get the benefit of the tariff concession. To deprive him of this concession after he had already set up the new unit would be unfair to the businessman as his financial planning may get upset. After all when a businessman sets up a project he has to do considerable financial planning taking into account all aspects including the concession in electricity tariff, etc., and hence it would be unfair to suddenly deny him this concession after he had already set up

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his unit. Obviously it was for this reason that the proviso was inserted in the notification dated 14.02.1997.

19. We, therefore, interpret the words "shall continue to avail" to mean that the benefit of the concession under the notification dated 31.01.1995 will continue to be given to new units set up prior to 14.02.1997. Such, interpretation will subserve the obvious intention of the proviso, namely, that new units which have been set up prior to 14.2.1997 under the impression that they would get the tariff concession should not be treated unfairly.

20. It is a well settled principle of interpretation that the Court should neither add nor delete words from a Statute. If the interpretation canvassed by Mr.Reddy is accepted, we would be interpreting the words "set up" to mean "set up and supplied with electricity" in the proviso to the notification dated 14.02.1997. This would be adding words to a Statute, which is not a legitimate method of interpretation.

21. In State of Jharkhand and Another Vs. Govind Singh, JT 2004 (10) SC 349 the Supreme Court (vide paragraphs 10 and 11) observed:-

> "When the words of a Statute are clear, plain or unambiguous, i.e., they are reasonably susceptible to only one meaning, the courts are bound to give effect to that meaning irrespective of consequences. The intention of the Legislature is primarily to be gathered from the language used, which means that attention should be paid to what has been said as also to what has not been said. (See J.P.Bansal Vs. State of Rajasthan, JT 2003 (3) SC 169).
>
> As a consequence, a construction which requires for its support addition or substitution of words or which results in rejection of words as meaningless has to be avoided. As was noted by the Privy Council in Crawford Vs. Spooner, (1846) 6 Moore PC 1: 'We cannot aid the Legislature's defective phrasing of an Act, we cannot add or mend and, by construction make up deficiencies which are left there'. The view was reiterated by this Court in State of Madhya Pradesh Vs. G.S. Dall and Flour Mills, JT 1990 (4) SC 430 and State of Gujarat Vs. Dilipbhai Nathjibhai Patel, JT 1998 (2) SC 253. Speaking briefly the Court cannot reframe the legislation, as noted in J.P.Bansal's Case (supra), for the very good reason that it has no power to legislate".

22. The same view was taken by the Supreme Court in Padma Sundara Rao Vs. State of Tamil Nadu, (2002) 3 SCC 533 (vide paragraphs 12 and 14) wherein it was observed that "the Courts cannot read anything into a statutory provision which is plain and unambiguous".

23. It is a well settled principle of interpretation that the Court can neither add nor delete words from a statute. As observed by the Supreme Court in Aswini Kumar Ghose Vs. Arabinda Bose, AIR 1952 SC 369 (Page-377) per Patanjali Shastry, C.J. :-

> "It is not a sound principle of construction to brush aside words in a statute as being inapposite surplusage, if they can have appropriate application in circumstances conceivably within the contemplation of the statute".

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24. In Rao Shiv Bahadur Singh Vs. State of U.P., AIR 1953 SC 394 (Page-397) the Supreme Court observed:

> "It is incumbent on the court to avoid a construction, if reasonably permissible on the language, which would render a part of the statute devoid of any meaning or application".

25. Similarly, in J.K.Cotton Spinning & Weaving Mills Co. Ltd. V s. State of U.P., AIR 1961 SC 1170 (Page-1174) and in Shri Mohammad Alikhan Vs. The Commissioner of Wealth Tax, AIR 1997 SC 1165 (Page – 1167) the Supreme Court observed:-

> "In the interpretation of statutes, the courts always presume that the Legislature inserted every part thereof for a purpose and the legislative intention is that every part of the statute should have effect".

26. The Legislature is deemed not to waste its words or to say anything in vain, vide Quebec Railway, Light, Heat & Power Co. Vs. Vandry, AIR 1920 PC 181 (page - 186). A construction which attributes redundancy to the Legislature will not be accepted except for compelling reasons, vide Ghanshyamdas Vs. Regional Assistant Commissioner, Sales Tax, AIR 1964 SC 766, State of U.P. Vs. Radhey Shyam, AIR 1989 SC 682, etc.

27. The literal rule of interpretation is the normal rule of interpretation which has to be followed where the meaning of a Statute is clear. In the present case, the meaning of the words "set up" is clear. These words mean "erect or establish", as pointed out by the Supreme Court. If the high tension industry has been erected or established before 15.02.1997, then it is entitled to the benefit of the tariff concession, even though electricity connection may not have been given to it prior to 15.02.1997.

28. We do not agree that it is the date on which the application for electricity supply is received by the electricity board that is the relevant date. An application can be made even before setting up the industry or it can be made after setting up the industry, but that is wholly irrelevant. It is the date when the industry has been set up that is the relevant date.

29. We also do not agree that where the industries have not been set up, but are in the process of being set up, yet, the benefit of the concession will be available, on the basis of the principle of promissory estoppel. There is no question of promissory estoppel, because the language of the Notification is very clear and there is no estoppel against a Statute.

30. As regards the appeals filed by the State Government, we are of the opinion that the Secretary of the Government cannot clarify an amendment to the schedule, which has been made by the Governor. Hence, the appellant cannot get any benefit from the letter of the Secretary to the Government of Tamil Nadu dated 01.08.1997. The appeals of the State Government are consequently dismissed and all other appeals and writ

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petition are disposed off by this judgment.

31. We make it clear that we are not deciding individual cases whether an industry was set up before 15.2.97 or not. For this purpose, the individual units can approach the Tamil Nadu Electricity Board and only if they satisfy the Electricity Board that the unit was in fact set up before 15.2.97, will they get the benefit of the tariff concession.

32. We further direct that the Electricity Board shall dispose of the claims for tariff concession by individual units within two months from the date of receipt of copy of this order. The bank guarantees will be kept alive for the said period of two months, by which time the claim of the individual units shall be decided by the Electricity Board. No costs. Consequently, connected pending C.M.Ps., W.A.M.Ps. & W.P.M.P. are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ss/sm

To
1. The Secretary to Govt. of Tamil Nadu,
Energy Department, Secretariat, Chennai 9.

2. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai 2.

3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Erode Dist.

3a. The Supply Engineer.
Tamil Nadu Electricity Board,
Gobi Electricity Distribution Circle,
23, Kammayar Extension II,
Gobichettipalayam.

4. The Secretary to Govt.,
Industries Department,
Secretariat, Chennai 9.

5. The Superintending Engineer,
Tamil Nadu Electricity Board,
Salem Electricity Distribution Circle,
Dr. Venkata Rao Road, Salem.

6. The Superintending Engineer,
Madurai Electricity Distribution Circle,
K. Pudur, Madurai 625 007.

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7. The Superintending Engineer,
Tamil Nadu Electricity Board,
Dindigul Electricity Distribution Circle,
Angunagar, S.S.Complex,
Meenakshi Naicken Patti,
Dindigul 625 002.

8. The Superintending Engineer,
Tamil Nadu Electricity Board,
Mettur Electricity Distribution Circle,
Mettur Dam 636 401, Salem Dist.

9. The Superintending Engineer,
Tamil Nadu Electricity Board,
Kamarajar District Electricity Distribution Circle,
Virudhunagar.

10. The Superintending Engineer,
Tamil Nadu Electricity Board,
Erode/Periyar Electricity Distribution Circle,
Erode 9.

11. The Superintending Engineer,
Tamil Nadu Electricity Board,
Kancheepuram Electricity Distribution Circle,
Kancheepuram.

12. The Superintending Engineer,
Udumalpet Electricity Distribution Circle,
Udumalpet.

13. The Superintending Engineer,
Chengalpattu Electricity Distribution Circle,
Chengalpattu.

14. The Superintending Engineer,
Coimbatore Electricity Distribution Circle,
North/South, Coimbatore 641 012.

15. The Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri Electricity Distribution Circle,
Dharmapuri.

16. The Member (Distribution),
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai 2.

17. The Superintending Engineer,
Vellore Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Vellore 632 006.

18. The Superintending Engineer,
Chidambaram Electricity Distribution Circle,
Tuticorin Dist.

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19. The Superintending Engineer,
Trichy Electricity Distribution Circle,
North Mannarpuram, Trichy 20.

20. The Executive Engineer,
Gobi Electricity Distribution Circle,
Sathyamangalam 638 459.

21. The Superintending Engineer,
Chennai Electricity Distribution Circle
(EDC(North)) Chennai 2.

22. The Superintending Engineer,
Tamil Nadu Electricity Board,
Karur Electricity Distribution Circle,
Karur 639 001.

23. The Executive Engineer,
Tamil Nadu Electricity Board,
Periyar Electricity Distribution Circle,
Perundurai 638 052.

24. The Executive Engineer,
Operation and Maintenance,
Chennai Electricity Distribution Circle,
No.54, Varudhappa Naicken Street,
Ponneri.

25. The Superintending Engineer,
Dindigul Anna Electricity Distribution Circle,
48, Nehruji Nagar,
3rd Street, Dindigul 624 007.

26. The Chief Engineer,
(Distribution), Tirunelveli.

27. The Superintending Engineer,
Trichy Electricity Distribution Circle(North),
Tamil Nadu Electricity Board,
Trichirapalli 20.

28. The Superintending Engineer,
Virudhunagar Electricity DistributionCircle,
Kamarajar District.

+ 1 CC to Mr. P.Arivudainambi, Advocate SR NO 29553

+ 2 CCs to Mr.G. Vasudevan Advocate SR NO 29554

+ 2 CCs to Mr. S. Sivanandam, Advocate SR NO 29556

+ 1 CC to Mr. R. Parthiban, Advocate SR NO 29657

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+ 1 CC to Mr. V. Shanmugham, Advocate SR NO 29681

+ 1 CC to M/S.V.J.Latha, Advocate SR NO 29707

+ 1 CC to Mr. Shivakumar, Advocate SR NO 29775

+ 1 CC to M/s. Sarvabhauman Associates, Advocates SR NO 29840

+ 1 CC to Mr. S. Silambanan, Advocate SR NO 29908

+ 1 CC to Mr. AR.L.Sundaresan, Advocate SR NO 29981

+ 15 CCs to M/s.Satish Parasaran, Advocate SR Nos.29985

+ 1 CC to Mr. M.Md.Ibrahim Ali, Advocate SR NO 30003

+ 1 CC to Mr. K. Kuppusamy, Advocate SR NO 30014

+ 2 CCs to M/s.Aiyar & Dolai, Advocate SR NO 29761

+ 2 CCs to Mr.B. Christ Das, Advocate SR Nos.30028, 30029

+ 2 CCs to M/s.Palaniselvaraj, Advocate SR Nos.29942, 29943

+ 1 CC to Mr.G.S.Thamby, Advocate SR NO 29565, 29566

+ 2 CCs to Mr.K. Kalyanasundaram, Advocate SR NO 29783, 29784

+ 4 CCs to Mr.V.R.Rajasekar, Advocate SR NO 29771 to 29973

+ 8 CCs to Mr.K. Mohanram, Advocate SR NO 29746 to 29753

+ 22 CCs to Govt. Pleader, High Court, Madras (SR Nos.29793, 29795 to 29798, 27800 to 27816)

W.A.Nos.1289 of 1999
etc. batch.
19.07.2005.

pv, ra, rr(co)
kk, km, gp, bp, dv, sr, bg/9.8.
Compared by nb, gp/10.8.

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